

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
Fort Worth Division**

Outsourcing Facilities Association, *et al.*,

Plaintiffs,

v.

Case No. 4:24-cv-953-P

U.S. Food and Drug Administration, *et al.*,

Defendants, and

Eli Lilly and Company,

Intervenor-Defendant.

UNOPPOSED MOTION TO STAY PENDING APPEAL

Federal Defendants respectfully request a stay of all trial court deadlines and proceedings in this case until after the court of appeals resolves Plaintiffs' appeal of this Court's Opinion and Order denying preliminary relief. Federal Defendants have conferred with Plaintiffs and Intervenor-Defendant, and this motion is unopposed.

On March 6, 2025, this Court issued an Opinion and Order, ECF No. 100, denying Plaintiffs' Motion for a Preliminary Injunction. Shortly thereafter, the Court entered a summary judgment briefing schedule, with the parties' cross-motions due March 21, 2025. ECF No. 102. On March 10, 2025, Plaintiffs notified this Court that they are appealing the decision to the Fifth Circuit Court of Appeals. ECF No. 103.

Good cause exists for a stay. "A district court has inherent power 'to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.'" *United States v. Colomb*, 419 F.3d 292, 299 (5th Cir. 2005) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)). This includes "broad discretion to stay proceedings as an incident to its power to control its own docket." *Clinton v. Jones*, 520 U.S. 681, 706 (1997). A stay must be "so framed in its inception that its force will be spent within reasonable limits, so

far at least as they are susceptible of prevision and description.” *Wedgeworth v. Fibreboard Corp.*, 706 F.2d 541, 545 (5th Cir. 1983) (quoting *Landis*, 299 U.S. at 257).

The Fifth Circuit’s resolution of Plaintiffs’ appeal of this court’s interlocutory order will “streamline issues for dispositive motions.” *Greco v. Nat’l Football League*, 116 F. Supp. 3d 744, 761 (N.D. Tex. 2015). In particular, this Court’s Opinion and Order explained that Plaintiffs had failed to establish a likelihood of success on the merits of their claims in this case, and the Fifth Circuit’s view may inform the parties’ further arguments and this Court’s merits analysis. “Judicial efficiency therefore weighs in favor of a stay” to “avoid unnecessary duplication.” *Evans v. Garza*, No. 1:23-cv-727, 2024 WL 5185750, at *2 (W.D. Tex. April 12, 2024).

Accordingly, Federal Defendants respectfully request that the Court stay District Court proceedings pending resolution of the appeal in this matter. Federal Defendants propose that the parties file a joint status report within two weeks of the Fifth Circuit’s resolution of the appeal.

DATED: MARCH 14, 2025

Respectfully submitted,

/s/ *Oliver McDonald* _____
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CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1(h), the undersigned certifies that on March 13, 2025, the undersigned conferred with Andrew M. Grossman, Counsel for Plaintiffs, and James R.P. Hileman, counsel for Intervenor-Defendant. Mr. Grossman indicated that Plaintiffs consented to this motion, and Mr. Hileman indicated that Intervenor-Defendant took no position on this motion.

March 14, 2025

/s/ Oliver McDonald
OLIVER McDONALD

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the CM/ECF system, will be sent via electronic mail to the registered participants as identified on the Notice of Electronic Filing.

March 14, 2025

/s/ Oliver McDonald
OLIVER McDONALD